



Brief Sheet

Idaho Sex Offender Management Enhancing Public Safety

BACKGROUND BRIEFING

Idaho Supreme Court: Smith Decision



Idaho amended sex offender laws in 1998 to create a violent sexual predator (VSP) designation. The VSP process was challenged in Smith v. Idaho.

The Idaho Supreme Court ruled in favor of Smith in February 2009, holding that the process for classifying violent sexual predators was unconstitutional and violated offenders' due process rights.

Even prior to the Smith v. Idaho decision, the Idaho Criminal Justice Commission was developing a comprehensive sex offender management plan. This brief sheet outlines the legislative package lawmakers adopted to change the unconstitutional portions of law and add new elements that enhance public safety.

Sex Offender Management Legislative Package, Senate Bill 1154A

Remove unconstitutional portions

JASON C. SMITH,
Petitioner-Appellant,
v.
STATE OF IDAHO,
Respondent.

The legislation passed during the 2011 session does three key things:

1. It grandfathers in those 69* offenders already designated as violent sexual predators, while eliminating the unconstitutional VSP designation process.
2. It creates a board charged with implementing best practices in sex offender management in Idaho.

Sex Offender Management Board



Registry Changes

IDAHO SOR - registry search



3. It adds more accountability for sex offenders under the current registration system which comply with national registration standards.

*Of the 69, 32 were living in Idaho's communities, 1 in jail, 19 in prison, 17 were out of state.

These actions are designed to enhance public safety.

2010

Conduct of a Strategic,
Systemwide Assessment
of Key Adult Sex
Offender Management
Practices in Idaho
FINAL REPORT TO THE IDAHO
CRIMINAL JUSTICE COMMISSION

Idaho analyzed what works to determine where to invest resources to increase public safety.

Idaho's Criminal Justice Commission (ICJC) worked with the Center for Sex Offender Management (CSOM) to develop a comprehensive sex offender management plan for Idaho. The plan recommends evidence-based practices for managing sex offenders. It helped guide the ICJC in developing this package of legislation and will serve as a guide for the Sex Offender Management Board.

The Assessment of Key Adult Sex Offender Management Practices is available at idoc.idaho.gov

Enhancing Safety by Managing Risk

Using evidence-based information, ICJC determined the best public safety option was to create a Sex Offender Management Board (SOMB). The new board will create standards for sex offender evaluation, treatment, and implementation of evidence-based practices. The board will also perform quality assurance audits to make certain that ‘what works’ to reduce risk is what is being done in Idaho. Members will also create a new method for identifying violent sexual predators.

*Evidence-based treatment
by qualified providers
REDUCES THE RISK
a sex offender will reoffend.*



Sex Offender Management Board Responsibilities

Create standards for:

- ⇒ Evaluations
- ⇒ Treatment
- ⇒ Polygraphs

- Implement evidence-based best practices
- Provide Quality Assurance auditing to ensure standards are met



Membership

Members include:

- ⇒ Adult Clinician
- ⇒ Juvenile Clinician
- ⇒ Culturally-competent Clinician
- ⇒ Juvenile Corrections representative
- ⇒ Adult Corrections representative
- ⇒ Sheriffs' Association representative
- ⇒ Defense Attorney
- ⇒ Prosecutor
- ⇒ Public Member

Non-voting Judiciary member

More Accountability for Sex Offenders



The legislative package clarifies and enhances registry requirements to require more accountability from sex offenders.

The key changes include:

- ⇒ Shorter deadlines for registering and reporting changes
- ⇒ More information gathered from offenders
- ⇒ More information released to the public
- ⇒ Better communication among jurisdictions on offender status and compliance

Under the new registry requirements, offenders will be required to register before leaving custody and within 48 hours of any change in their status.

The state will report all updates to the national registry. Failure of an offender to comply results in notification to county, state and federal authorities.

The Idaho Criminal Justice Commission

The ICJC is made up of 25 members from three branches of government and the community. Created by a Governor's Executive Order in 2005, the ICJC works to come to consensus and create a safer Idaho through a systems approach to criminal justice issues.

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Senate Judiciary and Rules
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House Judiciary, Rules and Admin.

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Judge John Stegner
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